

To: Press[Press@epa.gov]
From: David Gray
Sent: Sat 8/22/2015 11:59:13 PM
Subject: CLOSED: Durango Herald response

From: Gray, David
Sent: Saturday, August 22, 2015 3:47 PM
To: EOC Public Information; Harrison, Melissa; Vaught, Laura
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CLOSED

Ann – here is our best effort to get you something quickly today.

1. The EPA has been involved in the Animas River Stakeholders group for 20-plus years and has known for several years that heavy metal drainage was increasing in the Animas watershed. But it took until 2014 to get a task order approved on the Gold King. Why the delay? And the task order is from 2014, so why wasn't the work done then?

Work to address these large and complicated mining sites takes time and in most cases multiple years. The task order could not be implemented until a variety of necessary steps and actions were completed by the agency.

2. Were representatives from the EPA on site at the time of the spill, or was it strictly the contractor?

Yes. We have acknowledged that EPA representatives were present at the site.

3. The issue has been raised since the spill that it took almost 24 hours to notify the

communities downstream. Is it possible to finally get an answer as to why? Was the contractor calling the EPA and waiting for it to fend its way through the agency's bureaucracy, was ERRS talking to its attorneys? An early document mentions the requirement of a phone that would work at that altitude and in that remote location. Was such a phone on site?

There were notifications on the same day of the incident for the downstream communities in immediate proximity to the release. This allowed drinking water intake systems to be closed prior to the spill reaching these intakes. Notifications further downstream were also made – although 24 hrs later – well in advance of the spill reaching those areas of the river. This too allowed for drinking water intakes to be closed prior to the spill reaching these further downstream areas.

4. And on that note, according to the schedule released in the documents, work wasn't even supposed to start until 8/17. Would, they, as a matter of policy, notified downstream communities that work was going to be done? (And mid-August is incredibly late at that altitude to begin a project where several parameters may change and require more work. Why wasn't it started earlier in the summer?)

Work began at the site based on the availability of personnel and equipment, and appropriate weather conditions.

5. By starting the project earlier than scheduled, were they also not doing things in the prescribed order? The documents say they were to have appropriate water treatment and sludge management in place before beginning drainage? Was that done, or was it washed out by the volume of water in the spill?

The activities were consistent with the activities outlined in the schedule.

6. When did the Division of Reclamation, Mining and Safety create mine drainage as mentioned in the documents? Documents said the drainage included a culvert pipe and concrete flume – how much water was draining through that? And it appears to have been conveyed directly to Cement Creek without settling ponds or any treatment. Is that correct?

We don't have immediate access to that information – you might reach out to the Division of Reclamation, Mining and Safety regarding work they performed.

7. If that was happening, how could so much water still have backed up?

8. All original stories, based on information we were given, was that heavy equipment was being used to check the debris from the portal collapse that was holding back the water. Knowing of the potential for a blowout, why wasn't a more delicate approach taken?

The Department of Interior is conducting an independent review of the release which will determine the adequacy of the activities leading up to the incident. We are not speculating on the findings of this independent review. In addition, EPA is conducting its own internal technical examination of the incident.

9. The task order from 2014 says, "Collapse blockage material removal will be performed in a controlled manner in order to control the rate of release of the water and allow for appropriate treatment and sludge management. This is to include the ability to pump water from behind the blockage and lower the water level in a controlled manner before the blockage is destabilized by removal of material." It would appear the contractor did not follow this instruction. Is that the case?

Again, we will have to wait on the results of both the independent DOI review and EPA's internal technical examination of the incident.

10. ERRS has consistently said it can't release any information because of a confidentiality agreement with the EPA. Since the EPA is talking about how open it wants to be on this, could the agency release the contractor from the confidentiality clause so the public can learn more about that aspect of the Gold King Mine incident?

I unable to address contracting requirements and procedures but am happy to see if I can get more information on this subject. EPA is working to make available information regarding this

incident and our response.